

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:11-cv-00933-ABJ**

AMERICAN CIVIL LIBERTIES UNION et al v. CENTRAL
INTELLIGENCE AGENCY
Assigned to: Judge Amy Berman Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 05/18/2011
Date Terminated: 10/31/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICAN CIVIL LIBERTIES
UNION**

represented by **Arthur B. Spitzer**
AMERICAN CIVIL LIBERTIES UNION
OF THE NATION'S CAPITAL
4301 Connecticut Avenue, NW
Suite 434
Washington, DC 20008
(202) 457-0800 x113
Fax: (202) 457-0805
Email: artspitzer@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alexander Abdo
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street
17th Floor
New York, NY 10004
(212) 549-2517
Fax: (212) 549-2654
Email: aabdo@aclu.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jameel Jaffer
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street
17th Floor
New York, NY 10004
(212) 519-7814
Fax: (212) 549-2654
Email: jjaffer@aclu.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mitra Ebadolahi
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street
18th Floor
New York, NY 10004
(212) 284-7305
Fax: (212) 549-2653
Email: mebadolahi@aclu.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

represented by

**AMERICAN CIVIL LIBERTIES
UNION FOUNDATION**

Arthur B. Spitzer
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alexander Abdo
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jameel Jaffer
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mitra Ebadolahi
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

**CENTRAL INTELLIGENCE
AGENCY**

represented by **Jacqueline E. Coleman Snead**
U.S. DEPARTMENT OF JUSTICE
Civil Division
20 Massachusetts Avenue, NW
Room 7218
Washington, DC 20530
(202) 514-3418
Fax: (202) 616-8470
Email: jacqueline.snead@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marcia Berman
UNITED STATES DEPARTMENT OF
JUSTICE
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Room 7342
Washington, DC 20530
(202) 514-2205
Fax: (202) 616-8470
Email: marcia.berman@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/18/2011	<u>1</u>	COMPLAINT against CENTRAL INTELLIGENCE AGENCY (Filing fee \$ 350, receipt number 4616038942) filed by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION. (Attachments: # <u>1</u> Civil Cover Sheet)(jf,) (Entered: 05/19/2011)
05/18/2011		SUMMONS (3) Issued as to CENTRAL INTELLIGENCE AGENCY, U.S. Attorney and U.S. Attorney General (jf,) (Entered: 05/19/2011)
05/18/2011	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION (jf,) (Entered: 05/19/2011)

05/20/2011	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/18/2011. Answer due for ALL FEDERAL DEFENDANTS by 6/17/2011. (Spitzer, Arthur) (Entered: 05/20/2011)
05/27/2011	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTRAL INTELLIGENCE AGENCY served on 5/24/2011 (Spitzer, Arthur) (Entered: 05/27/2011)
06/06/2011	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/26/2011. (Spitzer, Arthur) (Entered: 06/06/2011)
06/14/2011	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Jameel Jaffer, :Firm– American Civil Liberties Union Foundation, :Address– 125 Broad Street, New York, NY 10004. Phone No. – 212–549–7814. Fax No. – (212) 549–2651 by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION (Attachments: # <u>1</u> Declaration of Jameel Jaffer, # <u>2</u> Text of Proposed Order)(Spitzer, Arthur) (Entered: 06/14/2011)
06/14/2011	<u>7</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Alexander Abdo, :Firm– American Civil Liberties Union Foundation, :Address– 125 Broad Street, New York, NY 10004. Phone No. – 212–549–2517. Fax No. – (212) 549–2651 by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION (Attachments: # <u>1</u> Declaration of Alexander Abdo, # <u>2</u> Text of Proposed Order)(Spitzer, Arthur) (Entered: 06/14/2011)
06/16/2011	<u>8</u>	AMENDED COMPLAINT against CENTRAL INTELLIGENCE AGENCY filed by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION.(td,) (Entered: 06/20/2011)
06/17/2011		MINUTE ORDER granting <u>6</u> Motion for Jameel Jaffer to Appear Pro Hac Vice and <u>7</u> Motion for Alexander Abdo to Appear Pro Hac Vice only upon condition that the lawyers admitted, or at least one member of the lawyers' firm, undergo CM/ECF training, obtain CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer. Signed by Judge Amy Berman Jackson on 6/17/11. (MT) (Entered: 06/17/2011)
06/24/2011	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTRAL INTELLIGENCE AGENCY served on 6/20/2011 (Spitzer, Arthur) (Entered: 06/24/2011)
07/06/2011	<u>10</u>	ANSWER to <u>8</u> Amended Complaint by CENTRAL INTELLIGENCE AGENCY. Related document: <u>8</u> Amended Complaint filed by AMERICAN CIVIL LIBERTIES UNION FOUNDATION, AMERICAN CIVIL LIBERTIES UNION.(Coleman Snead, Jacqueline) (Entered: 07/06/2011)
07/07/2011	<u>11</u>	ORDER that defendant shall file a dispositive motion or, in the alternative, a report setting forth a document production schedule on or before 8/4/2011. Signed by Judge Amy Berman Jackson on 7/7/2011. (MT) (Entered: 07/07/2011)
07/08/2011		Set/Reset Deadlines: Dispositive Motion or report setting forth a document production scheduled due on or before 8/4/2011. (tb,) (Entered: 07/08/2011)
08/04/2011	<u>12</u>	RESPONSE TO ORDER OF THE COURT re <u>11</u> Order filed by CENTRAL INTELLIGENCE AGENCY. (Coleman Snead, Jacqueline) (Entered: 08/04/2011)
08/05/2011		MINUTE ORDER that the parties are directed to file a joint status report on October 7, 2011 advising the Court of the status of the processing of plaintiffs' FOIA request and proposing a briefing schedule if necessary. Signed by Judge Amy Berman Jackson on 8/5/2011. (MT) (Entered: 08/05/2011)
08/08/2011		Set/Reset Deadlines: The parties are directed to file a Joint Status Report by 10/7/2011 advising the Court of the status of the processing of plaintiffs' FOIA request and proposing, if necessary, a briefing schedule. (jth) (Entered: 08/08/2011)

10/07/2011	<u>13</u>	RESPONSE TO ORDER OF THE COURT re Order, <i>Joint Status Report</i> filed by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION. (Abdo, Alexander) (Entered: 10/07/2011)
10/11/2011	<u>14</u>	SCHEDULING ORDER: Defendant's motion for summary judgment will be due on 1/10/2012. The opposition to the motion for summary judgment and the cross motion for summary judgment will be due on 2/7/2012. The reply to the motion for summary judgment and opposition to the cross motion for summary judgment will be due 2/21/2012. The reply to the cross motion for summary judgment will be due 3/6/2012. SEE ORDER FOR COMPLETE DETAILS. Signed by Judge Amy Berman Jackson on 10/11/2012. (MT) (Entered: 10/11/2011)
10/11/2011	<u>15</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Mitra Ebadolahi, :Firm– American Civil Liberties Union Foundation, :Address– 125 Broad Street, NY NY 10004. Phone No. – (212) 284–7305. Fax No. – 212–549–2651 by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION (Attachments: # <u>1</u> Declaration of Mitra Ebadolahi, # <u>2</u> Text of Proposed Order)(Spitzer, Arthur) (Entered: 10/12/2011)
10/12/2011		Set/Reset Deadlines: Defendant's Vaughn Index due by 11/14/2011; Plaintiff's Response/Challenges to the Vaughn Index due by 11/29/2011 (jth) (Entered: 10/12/2011)
10/12/2011		MINUTE ORDER that the <u>14</u> Scheduling Order filed on 10/11/2011 is amended as follows: In paragraph 3. the last sentence that reads "and the cross motion reply will be due on March 6, 2013." it should read "and the cross motion reply will be due on March 6, 2012." All remaining aspects of the scheduling order are unchanged. Signed by Judge Amy Berman Jackson on 10/12/2011. (jth) (Entered: 10/12/2011)
10/13/2011		MINUTE ORDER granting <u>15</u> Motion for Leave of Mitra Ebadolahi to Appear Pro Hac Vice only upon condition that the lawyer admitted, or at least one member of the lawyer's firm, undergo CM/ECF training, obtain CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer. Signed by Judge Amy Berman Jackson on 10/13/2011. (MT) (Entered: 10/13/2011)
01/10/2012	<u>16</u>	MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Memorandum of Points and Authorities, # <u>2</u> Statement of Material Facts Not in Dispute, # <u>3</u> Lutz Declaration)(Coleman Snead, Jacqueline) (Entered: 01/10/2012)
02/03/2012	<u>17</u>	Consent MOTION for Extension of Time to <i>File an Opposition to Defendant's Motion for Summary Judgment and Cross–Motion for Summary Judgment</i> by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION (Attachments: # <u>1</u> Text of Proposed Order)(Ebadolahi, Mitra) (Entered: 02/03/2012)
02/03/2012		MINUTE ORDER granting <u>17</u> Consent Motion for Extension of Time. The opposition to the motion for summary judgment and cross–motion for summary judgment will be due 2/17/2012. The reply to the motion for summary judgment and opposition to the cross–motion for summary judgment will be due 3/6/2012. The reply to the cross–motion for summary judgment will be due 3/20/2012. Signed by Judge Amy Berman Jackson on 2/3/2012. (MT) (Entered: 02/03/2012)
02/04/2012		Set/Reset Deadlines: Opposition to the Motion for Summary Judgment and Cross Motion due by 2/17/2012; Reply in support of the Motion for Summary Judgment and Opposition to Cross Motion due by 3/6/2012; Reply to Cross Motion due by 3/20/2012. (jth) (Entered: 02/04/2012)
02/17/2012	<u>18</u>	Memorandum in opposition to re <u>16</u> MOTION for Summary Judgment filed by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration, # <u>3</u> Exhibit A – OIG Special Review, # <u>4</u> Exhibit B – Joint Status Report, # <u>5</u> Exhibit C – ACLU Letter to CIA, # <u>6</u> Exhibit D – First Vaughn Index, # <u>7</u> Exhibit E – Durham Decl., # <u>8</u> Text of Proposed Order)(Ebadolahi, Mitra) (Entered: 02/17/2012)

02/17/2012	<u>19</u>	Cross MOTION for Summary Judgment by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration, # <u>3</u> Exhibit A – OIG Special Review, # <u>4</u> Exhibit B – Joint Status Report, # <u>5</u> Exhibit C – ACLU Letter to CIA, # <u>6</u> Exhibit D – First Vaughn Index, # <u>7</u> Exhibit E – Durham Decl., # <u>8</u> Text of Proposed Order)(Ebadolahi, Mitra) (Entered: 02/17/2012)
03/06/2012	<u>20</u>	REPLY to opposition to motion re <u>16</u> MOTION for Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Durham Declaration)(Coleman Snead, Jacqueline) (Entered: 03/06/2012)
03/06/2012	<u>21</u>	Memorandum in opposition to re <u>19</u> Cross MOTION for Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Counterstatement of Material Facts, # <u>2</u> Durham Declaration)(Coleman Snead, Jacqueline) (Entered: 03/06/2012)
03/20/2012	<u>22</u>	REPLY to opposition to motion re <u>19</u> Cross MOTION for Summary Judgment filed by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION. (Ebadolahi, Mitra) (Entered: 03/20/2012)
07/12/2012		MINUTE ORDER. It is ORDERED that on or before July 26, 2012, defendant is directed to deliver to chambers the documents that have been withheld from plaintiffs or that have been provided to plaintiffs with redactions, for in camera inspection to assist the Court in making a responsible de novo determination, see Ray v. Turner, 587 F.2d 1187, 1195 (D.C. Cir. 1978). Signed by Judge Amy Berman Jackson on 7/12/12. (lcabj1) (Entered: 07/12/2012)
07/13/2012		Set/Reset Deadline: In-Camera Submission due by 7/26/2012. (jth) (Entered: 07/13/2012)
07/25/2012	<u>23</u>	NOTICE of Appearance by Marcia Berman on behalf of CENTRAL INTELLIGENCE AGENCY (Berman, Marcia) (Entered: 07/25/2012)
07/25/2012	<u>24</u>	NOTICE of Lodging of Classified Documents by CENTRAL INTELLIGENCE AGENCY (Berman, Marcia) (Entered: 07/25/2012)
09/10/2012	<u>25</u>	NOTICE to the Court by CENTRAL INTELLIGENCE AGENCY re <u>16</u> MOTION for Summary Judgment (Coleman Snead, Jacqueline) (Entered: 09/10/2012)
09/25/2012	<u>26</u>	ORDER granting in part and denying in part <u>16</u> Motion for Summary Judgment; granting in part and denying in part <u>19</u> Motion for Summary Judgment. It is ORDERED that defendant's motion for summary judgment and plaintiffs' cross-motion for summary judgment are both GRANTED in part and DENIED in part. It is FURTHER ORDERED that on or before October 16, 2012, defendant release any portion of the document numbered 3 in its Vaughn Index that matches information previously disclosed from the government's partially-redacted release of the Special Review: Counterterrorism Detention and Interrogation Activities (September 2001October 2003), and file a notice with the Court indicating that it has complied with this Order. (SEE ORDER FOR COMPLETE DETAILS). Signed by Judge Amy Berman Jackson on 9/25/12. (lcabj1) (Entered: 09/25/2012)
09/25/2012	<u>27</u>	MEMORANDUM OPINION. Signed by Judge Amy Berman Jackson on 9/25/12. (lcabj1) (Entered: 09/25/2012)
09/25/2012		Set/Reset Deadlines: Defendant's Notice indicating compliance with the Court's Order of 9/25/2012 is due by 10/16/2012. (jth) (Entered: 09/25/2012)
10/16/2012	<u>28</u>	NOTICE by CENTRAL INTELLIGENCE AGENCY re <u>26</u> Order on Motion for Summary Judgment,,,,,, (Coleman Snead, Jacqueline) (Entered: 10/16/2012)
10/17/2012		MINUTE ORDER. Defendant has submitted a notice indicating that it has complied with the Court's September 25, 2012 Order. [Dkt. # 28]. Therefore, without rearguing any matters upon which the Court has already ruled, plaintiffs shall inform the Court by October 29, 2012 of their position on whether defendant has complied with the Court's September 25, 2012 Order, [Dkt. # 26], and whether there is any remaining reason why this Court should not enter judgment in favor of defendant. Signed by Judge Amy Berman Jackson on 10/17/12. (lcabj1) (Entered: 10/17/2012)

10/17/2012		Set/Reset Deadlines: Plaintiffs shall inform the Court of their position on whether defendant has complied with the Court's 9/25/2012 Order (Dkt #26) and whether there is any remaining reason why this Court should not enter judgment in favor of defendant. Plaintiff to inform the Court by 10/29/2012. (jth) (Entered: 10/17/2012)
10/26/2012	<u>29</u>	NOTICE <i>to Court</i> by AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION FOUNDATION re Order,, (Ebadolahi, Mitra) (Entered: 10/26/2012)
10/31/2012	<u>30</u>	ORDER dismissing action. (SEE ORDER FOR COMPLETE DETAILS). Signed by Judge Amy Berman Jackson on 10/31/12. (lcabj1) (Entered: 10/31/2012)